shirers which I could give to that which we'd be very pertinent, but I am not on tritiness stand.

If Smith I see Let me say to you men Mr Senator, that B. H. Roberts is the same status that I am in myself, is the same status that I am in myself, and I do not think any other man in the priesthood or senected with the presiding authorities celd do so any more than I could my-self sector Dubols. Then you regard all of these in the priesthood among the presid-

Senator Dubois. Inch you cannot be presidented in the priesthood among the presidented authority as in the same category in the smith. Yes.

Mr. Smith. Yes.

Senator Dubois. In you mean to say senator Foraker. Do you mean to say the your transfer of the principle of the president of the preside

Senator Foraker De you mean to say
that all who are associated with you in
the priesthood have plural wives?

Mr. Smith No, sir, I do not mean to
say anything of the kind.

Senator Foraker. I think your answer
sas open to that meaning.

Mr. Smith. No; I do not mean to say
senat all.

Mr. Smith. No: I do not mean to say that at all.
Senator Foraker. You said all were in the same category with yourself.
Mr. Smith. Those are the gentleman's words and I merely acquiesced.
Senator Foraker. Those were his words, and you adopted them?
Mr. Smith. I did not intend to convey the Idea. Mr. Senator.
Senator Dubois. I will go over it again,

Explains His Answer.

Senator Foraker What did you mean

when you said they were all in the same categor?

Mr. Smith. Those who are in the status of polygamy, as I stated before.

Benator Foraker. That is, you mean all who have plural wives?

Mr. Smith. Plural wives, and of course, who took them before the manifesto.

Senator Foraker. But you do not mean that those who do not have plural wives are in the same category with yourself?

Mr. Smith. No. gir.

Senator Dubois. I have no objection to your asking the question, Senator Foraker, but I am not through.

Senator Foraker. I beg your pardon. I did not wish to interfere with you.

Apostles Sustained Roberts.

Apostles Sustained Roberts. Aposties Sustained Roberts.

Senator Dubois. Did any apostie who is rot in polygamy object of sustaining Mr. B. H. Roberts in this high position.

Mr. Smith. I never heard of any of them objecting.

Senator Dubois. Would you not have heard if any of them had objected?

Mr. Smith. Possibly I would.

Senator Dubois. It is quite probable you would?

would?

Mr Smith. It is very likely I would, but I have not heard of anything of the kind. Consequently I can not say that they have positively, from my knowledge, or that her have not.

her have not.
Senator Dubois. There would have been a trial of some kind either before he was saily sustained or after he had been susted, if any apostle had objected, would her not?

Hr. Smith. I do not the

seed, if any apostic had objected, would be not?

If. Smith I do not think necessarily there would have been I can state an insuance, if you piesse. On one occasion an ebjection, a contrary vote, was offered against one of the apostles, not by one of the apostles, but by a member, an elder of the church. It was done in open conference and after the conference was over he had the opportunity of stating his ebjection to the apostle before the proper tribunal of the church.

Senator Dubois. What was the proper tribunal?

Senator Dubois. What was the proper tribunal?

Mr. Smith. The proper tribunal was the residency of the stake of Zion, in which the objector resided.

Senator Dubois. Would not summary proceedings have been taken in regard to Mr. Roberts if any apostle of the church had objected to sustaining him as one of the first presidents of the seventies?

Mr. Smith. Mr. Chairman—
Senator Dubois. Would they not have taken it before the president of seventies, or somewhere?

How Utahns Regard It.

How Utains Regard It.

Mr. Smith. I have stated this morning, and I will repeat in substance what I said this morning, that there is a sentiment brightness, that there is a sentiment brightness, and all-pervading sentiment, in Itah, among Mormons and Jews and Gentiles, not to interfere with men's families she entered into that plural status before the manifesto was issued and before Statebod, and consequently we do not expect that an apostle or any member of the thurch, or anyone having any voice in these matters, would object to a man because he was a polygamist before the manifeste. We do not expect any such thing, we do not look for any such thing, and the such thing, to my knowledge, has ver expursed.

perior Income. Is it not an extremely pare thing, when the men for these high pestions are preferred to the conference and it is asked of the conference that they estain them, for anyone to refuse to hold by their hand?

Mr. Smith. It is a very rare thing, because the people are generally very well inited.

One Dissenting Voice.

Mr. Tayler. Speaking of this matter of metaining, do you recall a dissenting voice at some kind of a meeting or confer-

pression?

Mr. Smith. I remember it.

Mr. Tayler. Were you present?

Mr. Smith. No; I was not present.

Mr. Tayler. Do you remember that the young man who dissented was disciplined brause he had not previously brought it to the attention of other church author-files?

Smith. No. sir. I do not. Tayler You do not? Smith. I do remember, if you will

Mr. Smith. I do remember, it you will
find me—
Mr. Tayler. Certainly.
Mr. Tayler. That the young man had an
epportunity to make his cortipishit and
his statement and show his evidence before the proper tribunal of the church,
and he failed, absolutely to demonstrate
and prove his position—absolutely failed.
That I do remember
Mr. Tayler. Did you hear this?
Mr. Smith. I heard so.
Mr. Tayler. You were not present?
Mr. Smith. No; that I remember as belag stated.

Tayler. But you know it just the

Mr. Tayler. But you know it just the same?

Mr. Smith. I know it was so stated.

Mr. Tayler. I did not want to know striking about the merits of the controversy, but only as to the method that was then followed. Was it after or before the paternor that he had this hearing before the church authorities?

Mr. Smith. It was after the conference.

Mr. Tayler. One question that I ought to have asked you before. At the time this protest was filed, something over a rear ago, Brigham Young, Ir., I believe, was living and an apostle of the church, as he not?

Mr. Ver Cott.

awing and an apostic of the church, be not?

'Yan Cott Just a minute, Mr. Smith, Yen say this protest, Mr. Tayler?

'Tayler Of course, when I use the I "protest" I mean this one unless I

word "protest" I mean this one unless I indicate something clsc.
The Chairman. You mean the protest kined by the nineteen?
Mr. Tayler. Yes.
Mr. Van Cott. Mr. Tayler raised the paper in his hand, and I thought he was peaking of that address.
The Chairman. Proceed, Mr. Tayler.
Mr. Smith. What is the question?
The Chairman. The reporter will read its question.

The reporter read as follows:

"Mr. Tayler. One question that I ought to have asked you before: At the time this protest was filed, something over a year ago, Brigham Young, Jr., I believe was the not?"

Has Bad Memory. Mr. Smith. I do not know anything shout the date of the publication of this protest at all, nor do I just now remember the date of the death of Brigham learn

Mr. Tayler. About how long ago did he Mr. Smith. Well. I really do not know, but I think it is nearly two years ago. Mr. Tayler. Is there anybody here who

knows?

Mr. Van Cott. I can find out.
Mr. Smith. I could not say.
Mr. Van Cott. It was some time probably last year-1903.
Mr. Smith. I do not remember anything shout the date of his death.

Van Cott. It was April. 1963.

Sator Forsker. What is it about that the was a polygamist?
Mr. Smith. I understand that he was.

Mr. Smith. I understand that he was.

Church in Business.

Mr. Tayler. Does the church have any interest in them?
Mr. Smith. In some of them it does. Senator Beveridge. Do you propose, Mr. Tayler, to connect the holdings of these properties and his position as director of them with the question of the church being a propaganda of polygamy? Has the question anything to do with that? If it has, I think it is pertinent. Otherwise I do not see the point to your question.

Otherwise I do not see the point to your question.

Mr. Tayler. I will have to read from the protest and from the claim we make. Senator Beveridge. It is not necessary to make any point about it. You understand the point of my question.

Mr. Tayler. We claim the church is controlling in spiritual and temporal affairs, and controls and dominates all of its members when necessary. I want to show that that is one of the habits of the church conduct, historically and now. Senator Dillingham, What do you mean by temporal affairs? How broad is that? Senator Beveridge. I do not see how you connect this business matter with it. I want to get the point how you connect the business matter with your claim. Mr. Tayler. Precisely Suppose the church was controlling all sorts of enterprises and interests, individually and churchly, controlling in so far as it could be possible for any organization, the material and spiritual interests of its people. I propose to show that this church is among other things, founded upon that idea and has persistently carried it out. Polygamy is not the only charge that is made here. There are other independent and clearly defined charges.

Controls in Tomporal Affairs.

Controls in Tomporal Affairs. Senator Foraker. That there is a domi-nation in things temporal and things

senator Foraker. That there is a domination in things temporal and things spiritum!

Mr. Tayler. Undoubtedly.
Senator Beveridge. You propose to connect it either with the church's political control of its members or with its propagands of polygamy?

Mr. Tayler. Independent of the propagands of polygamy.
Senator Reveridge. But as indicating control of its members?

Mr. Tayler. Precisely: a control over the temporal affairs of its members, so as to define their action as a class.
Senator Reveridge. So that the purpose of this testimony—I see it now—is to connect the church with the control of the political relationship of its members?

Mr. Tayler. Precisely:
Senator Beveridge. Otherwise the control of property and things of that kind would not seem to be pertinent.

Senator Dubois. I would like to suggest also to the Senator from Indianalif he will pardon me, that the witness is the recognized head of this entire organization, whose authority is paramount. Therefore some latitude. I should think, ought to be allowed in the questioning of the recognized power of the Mormon organization.

Senator Boveridge. I have no objection

see recognized power of the Mormon organization.

Senator Beveridge. I have no objection
if this tends to establish the proposition
that the church exercises a political
power over its members. I do not, of
course, just see how business affairs
would do that Maybe it will.

Mr. Tayler, I want to say—because I
have been careful in stating what we
claim and have endeavored to keep it
within the limits of that which we understood and believed to be the fact and
that could be shown—that we do not believe, in the light of all the testimony
that will be offered and that will be presented to the committee, documentary
and otherwise, in public documents, for sented to the committee, documentary and otherwise, in public documents, for instance, that Senater Smoot could by any possibility put himself up against the command of his associates.

Smoot Must Stand by Quorum.

Smoot Must Stand by Quorum.

Mr. Worthington. You mean in his vote as United States Senator?

Mr. Tayler. Yes: in his vote as Senator; and that is an inference which can not be escaped from in view of all these facts.

Senator Dillingham. I asked the question as to how broad you used that term, from the fact that I know that Senator Smoot in his answer says that he is bound by the revelations not only as they relate to things epiritual, but to the practical business or affairs of the church itself. He makes that distinction.

Mr. Tayler Exactly. I am very glad to have the question answered, so that I may say what we claim.

Senator Dillingham. I only want to know what you claim.

Senator Dillingham, I only want to know what you claim.

Mr. Tayler, Our claim is that it covers practically everything; that things that we call temporal—such as, for instance, the civil marriage, which is governed by the laws of this country—are controlled by their church; that it has been and is the subject of revelations, and that when they use the term "spiritual" and things pertaining to the church it will be very difficult, as we view it, to discern anything that we call temporal that can not be construed to be spiritual according to the designation of the church and their practice respecting them, as I shall indicate in a moment in the proof.

Senator Beverldge, Mr. Tayler, pardon me at that point—you say it is your position, and you expect to prove it, that the church exercises supreme control over the material affairs of its members as well as over their political affiliations, even to a vote in the United States Senate?

Mr. Tayler, Yes. Beveridge Learns Something.

Senator Beveridge. Do I understand you to say that if the church were to order Mr. Smoot to give up his private property and deed it to anybody else he would have to do 11? Id have to do it?
Tayler. Yes, I can say that I have sought to prove it, but I will nator Beverldge. And therefore, by ogy, if he would have to give up his ate property to some person else, if was told to vote a certain way he

would have to do it?

Mr. Tayler. That is, if he obeyed the commands that Joseph Smith frequently made upon his people.

Mr. Van Cott. Yes; he would do it if he obeyed it. he obeyed it.

Mr. Tayler. If he obeyed it of course
Senator Reverldge. I understand Mr.
Tayler's contention to be that he would

ave to Mr. Tayler. Exactly, or else he could of be a member of that church. Senator Dubois. Or else give up his postleship.

Senator Dubols. Or else give up his apostlechip.

Mr. Tayler. Of course these things are not to be proven by one sentence, or in one minute, or by one circumstance. That is the only observation I desire to make about it; but I want the committee to remember that I ask no question idly nor for the purpose of taking time, but desire to proceed most expeditiously; and perhaps I ought not to go along as rapidly as I do, but I think I would rather err on that side.

The Chairman There does not seem to be any question pending. Mr. Tayler, you may go on.

Mr. Tayler. You are a stockholder in many of these corporations as trustee in trust? I believe that is the term descriptive of your capacity.

Mr. Smith. I am not a stockholder in any of these concerns as trustee in trust. Mr. Tayler. You are not?

Mr. Smith. No, sir, I own property in every one of these institutions in my own right, and by virtue of my own ownership of that property I hold the directorship in them.

Would Vote as Trustee.

Would Vote as Trustee.

Mr. Tayler. So I understood you to say: but do you not hold interest in it as trustee for the church?

Mr. Smith. Well. as trustee of the church, of course if it came to voting on the stock I would vote as trustee on the stock.

scatter Hoar. I would like to ask one guestion there if I may.

Mr. Tayler. Yes.
Senator Hoar. I do not wish you to understand that I am asking about any court or anything of that sort. I am speaking now of the general law. Suppose you were to die tomorrow, where would this property go in the absence of a will of yours?

Mr. Smith. Do you mean church prop-

erty?
Senator Hoar This property which you hold in various corporations and institutions, which Mr. Tayler is asking about? Mr. Smith. My own property would go to my heirs.
Senator Hoar. Who would be your heirs?
Mr. Smith. My family; and the trustee property.

Senator Hoar. Who would be your helrs?

Mr. Smith. My family; and the trustee property would descend to my successor as trustee in trust.

Senator Hoar I misunderstood you. I thought you said you did not hold any property in those.

Mr. Smith. I beg your pardon. I hold property in my own right in every one of them.

Senator Hoar. Would that property which you say you hold in your own right go to the same persons to whom is would go if you had resigned all your public functions in the church and were there as an ordinary citizen?

Mr. Smith. The same, precisely. It is my own property; and I would like to say to the chairman—

Belongs to Church.

Belongs to Church.

The Chairman, One moment, Mr. Smith How is it as to the property you hold in trust?

Mr. Smith. The property I hold in trust belongs to the church and when I am no more the title to the property that I hold in trust for the church will go to my successor as trustee in trust. My own individual holdings—

The Chairman. That is, to the next president?

president?

Mr Smith. To the next president or the next trustee in trust. It does not follow always that the president is the trustee in trust. trustee in trust.
Senator Dillingham. Does that property on the books of the corporation stand in the name of the church or in the name of an individual as trustee?

Mr. Smith It stands in the name of an individual as trustee in trust.

Mr. Tayler. In what from does your church have title to the Deserct News property?

property?

Mr. Smith. It owns the deed.

Mr. Tayler. I am speaking now of the newspaper, not the building.

Church Owns News.

Church Owns News.

Mr. Smith. The press; yes. I would like to state that when I was asked that question before, Mr. Tayler. I was not aware of the fact that I have since learned from my counsel here that during the trusteeship of Lorenzo Snow the Deseret News plant was transferred from the Deseret News company to Lorenzo Snow, trustee, in trust. I was not aware of the fact. Mr. Chairman, when that question was asked me yesterday, I believe it was. I have since learned that that is the fact and that my counsel, who is here, made out the papers for the transfer. ransfer.
The Chairman That correction will

The Chairman. That correction will appear, of course.

Mr. Smith. Thank you.

Mr. Tayler. So that it is now in you as trustee in trust?

Mr. Smith. Now I own it as trustee in trust. Furthermore, I will say that I have discovered since yesterday that there is published on the second or third page of the Deseret News the statement that it is the organ of the Church of Jesus Christ of Latter-day Saints, and it is such in this capacity that when the church has any proclamation to make public they print it in the Deseret News. The business department of the Deseret News is run precisely on the same business principles that any and every other newspaper enterprise is run upon.

Senator Beveridge. Are its editorial supposed to be an expression of the church opinion?

Mr. Smith. Not at all; and the church is not responsible for the editorial expressions unless they are issued over the signatures of the presidency of the church.

Senator Reveridge. If any editorial ap-

Says Kearns Is Independent. Mr. Smith. Not in the least. It is as independent as any newspaper in Utah its expressions and publications. Mr. Tayler. As independent as any newspaper could be of its owner. Mr. Smith. As independent as any paper in Utah, sir. I make no exception whatever.

ditor of the paper?
Mr. Smith, Charles W. Penrose.
The Chairman, le he connected with our church? Mr. Smith. Yes, sir, he is an eider in Senator Beveridge. Is he a polygamist? The Chairman. He is not one of the

posities. Mr. Smith. No. sir. The Chairman. Is he a polygamist?

Penrose a Polygamist. Mr. Smith. I understand that he is.
Mr. Tayler. Is he not one of the first
presidents of the seventies?
Mr. Smith. No, sir; he is not.
Mr. Tayler. What is he besides what
you have described him to be, if anything, officially?
Mr. Smith. He has been until recently
the second councilor to the president of
the Sait Lake stake of Zion. the second councilor to the president of the Sait Lake stake of Zion. Mr. Tayler. Is he appointed and sus-tained to that place just as other officials

arc?
Mr. Smith. No. sir.
Mr. Tayler. He is selected by the first
Mr. Tayler. I suppose, just as your councilpresident. I suppose, just as your councilors are selected?

Mr. Smith. For the presidency of the take, do you mean? Mr. Tayler. No. I understood you to may be was councilor to the president of he stake.

Mr. Smith. Yes. He is selected in pre-isely the same way as the rest.

Mr. Tayler. You have the same form f selection where an analogous line of

duties occur?
Mr. Smith. The same thing.
Senator Dubois. Will you excuse memoment, Mr. Tayler?
Mr. Tayler. Yes. How Church Is Governed.

How Church is Governed.

Senator Dubois. I simply want to ask this question, so that members of the committee may understand the graduations of authority in the church. Who comes next in authority to the seven presidents of the seventies?

Mr. Smith. The general authorities of the church consist of three first presidents, twelve apostles, or twelve high councilors, if you please, seven presidents of seventies, and three presiding bishops. Thisse are the general authorities of the church.

Chiese are the general successful and come the presidents of stakes?

Mr. Smith. Then come the presidents of stakes.

Senator Dubois. Mr. Penrose is a councilor to a president of a stake?

Mr. Smith. Yes, sir.

Senator Dubois. I wanted to get their order.

Senator Dubois. I wante to get order.

Mr. Smith. He is a councilor to one of the fifty-odd stakes of Zion that are organized.

Senator Beveridge. How long has the Deseret News been published?

Mr. Smith. I can not remember, Senator, exactly the date of its Inception, but it was in the early fifties. I think it was in 1850, but I am not right positive about that

it was in the early fifties. I think it was in 1850, but I am not right positive about that
Senator Beveridge. How long has the present editor been the editor?

Mr. Smith. He has been the editor for quite a number of years.
Senator Beveridge. Ten years?

Mr. Smith. No. I think not as long as that. Let me say that many years ago he was the editor and there was a change. Under the administration of the company—that is, the Deseret News company owned the property. They leased it to another company, called the Deserct News Publishing company. Under the regime of the Deserot News Publishing company. Under the regime of the Deserot News Publishing company Penrose was not the editor. After it was transferred again to the trustice in trust, Penrose was put in. I think it is not more than three or four years ago.
Senator Beveridge. Both the chairman and myself asked you whether this editor is a polygamist. You said he was.

Mr. Smith. He is reputed to be.
Senator Beveridge. Has he taken any wives since the proclamation?

Mr. Smith. No, sir.
Senator Beveridge. He was one of those who, like yourself, were in that relation prior to that time?

Mr. Smith. Prior to the manifesto; and many, many years prior, too.
Senator Beveridge. How old is he?

The Chairman. Now, Mr. Tayler, let us

Senator Foraker. I thought from the ontext it must refer to some kind of a

Divided Into Stakes. Mr. Smith. I would like to state, for the information of the Senator, that our church is divided geographically into stakes, as they are called, and then each stake is divided into wards.

Mr. Worthington. How many stakes are there in Utah!

The Chairman. Do the stakes usually correspond with the county?

The Chairman. Do the stakes usually correspond with the county?

Mr. Smith. They have herefolore usually corresponded with the county, but on account of the increase of population, a number of the stakes that formerly covered a whole county have been divided into two or three or more stakes.

The Chairman. It is not important. I simply want to know generally.

Mr. Smith. All I wish to say. Mr. Chairman, is there are considerably over fifty stakes. I do not know just how many. Senator Foraker. Do you mean there are over fifty in Utah?

Mr. Smith. No, sir.

Senator Foraker. Over the whole country?

Mr. Smith. No. sir.
Senator Foraker. Over the whole country?
Mr. Smith. That is, in all the intermountain States.
The Chairman. I want to get a little information out of this. You speak of the quorum of seventy.
Mr. Smith. Yes, sir.
The Chairman. How is that quorum made up? Who are the seventy? I do not mean their names.
Mr. Smith. A quorum of seventy consists of seventy elders. Seven of that seventy preside over the other sixty-three as the seven presidents of that quorum. Then there is a general council of seventies, which preside over all the seventies—that is, the church presidents.
Mr. Tayler. There are presidents of seventies and first presidents of seventies?
Mr. Smith. Yes, sir.
Mr. Tayler. The first presidents being over the consolidated seventies, as it were?
Mr. Smith. Over the entire number of seventies.

The Chairman. You may proceed, Mr.

Tayler Revelations as to Temporal Affairs. Revelations as to Temporal Affairs.

Mr. Tayler. The prophet, Joseph Smith,
Jr., received a great many revelations pertaining to temporal affairs, did he not?
Mr. Smith. I would hardly say a great
many, but he did receive some revelations
with regard to temporal affairs.
Mr. Tayler. They were received by the
people, were they?
Mr. Smith. They were accepted generality by the members of the church.
Mr. Tayler. And they are recognized
now as having been revelations from Almighty God, are they not?
Mr. Smith. Yes, slr.
Mr. Tayler. Just as binding upon the
conscience of those who receive them as
any other revelation that Joseph Smith
rocelved?
Mr. Smith. Just as binding on the con-

any other revelation that Joseph Smith received?

Mr. Smith. Just as binding on the conscience of members of the church as baptism for the remission of sins and the laying on of hands for the Holy Ghest.

Mr. Tayler. And polyarmy?

Mr. Smith. And I will say to the gentiemen of the committee that there is not and can not be, any possible restraint held over the members of the Church of Jesus Christ of Latter-day Saints occept that restraint which people themselves voluntarily give. Every man and woman and member of the church is as free to belong to the church or to withdraw from it as any other man or woman in the world, and there is no restraint over them except their voluntary wish.

Observing a Revelation.

Obeying a Revelation.

Obeying a Revelation.

Mr. Tayler. Then the Almighty does not speak by revelations directly to them?

Mr. Smith. Yes, sir; but men obey it or not as they please. They are at liberty to obey of not just as they please.

Mr. Tayler. Exactly.

Mr. Smith. And they disobey if they wish with perfect impunity.

Mr. Tayler. In your conception of God, then, he is not omnipotent and omniscient?

leut?
Mr. Smith, Oh, yes; I think he is.
Mr. Tayler. But do you mean to say
ou, at your pleasure, obey or disobey the
ommands of Almighty God?
Mr. Smith. Yes, sir.
Mr. Tayler. Communicated to you?
Mr. Smith. I obey or disobey at my

Tayler, Just as you please?
Smith, Just as I please.
Tayler, And that is the kind of a you believe in? Mr. Smith. That is exactly the kind of

Mr. Tayler. I wanted you to define him. Mr. Smith. Yes, sir. I could quote to

Smith Called to Time.

The Chairman. Just a moment, Mr. Tayler. If we are to have an address upon every question on all the cubjects, you will never get through. If you will confine yourself to answers. Mr. Smith, you will have plenty of opportunity to explain anything you may desire to explain. Mr. Smith. I will try to confine myself

o answers.
Senator Beveridge. I do not think ques-lons as to what are his conceptions of lod, or his private, personal duty, are competent.

The Chairman. I do not think they are,

barring house?
Mr. Worthington. What page is that?
Mr. Tayler. Page 426
Mr. Smith. in Nauvoo; yes. Pertains to Temporal Affairs. Mr. Tayler. Do you define that as per-taining to spiritual or temporal affairs?
Mr. Smith, I define it as pertaining to temporal affairs.
Mr. Tayler. Do you recall the revela-tions instructing his people to organize a

tions instructing his people to organize a corporation?

Mr. Smith. Yes, sir.
Mr. Worthington. What page is that?
Mr. Tayler. Page 437. And limiting the emount of stock which anybody could take to \$15,000, and not less than \$50?
Mr. Smith. Yes, sir.
Mr. Tayler. And that nobody should get his stock until he paid for it?
Mr. Smith. Yes, if recollect that. That is, I know the revelation, and furthermore that it was stated somewhere in the revelation that certain persons were privileged to take stock if they chose to take stock, or not, as they desired, and that was optional with every man just the same as any other institution.
Mr. Tayler. Is that true of all the revelations of Joseph Smith, where he directed things to be done?
Mr. Smith. Absolutely true.
Mr. Tayler. That is, that they were free to do as they pleased.
Mr. Tayler. Is the authority of the

of do as they pleased?

Mr. Smith. Free to do absolutely as they pleased.

Mr. Tayler. Is the authority of the church or its power exercised respecting legislation in the State of Utah?

Mr. Smith. No, sir, not in the least.

Mr. Tayler. Not in the least.

Mr. Tayler. Not in the least.

Mr. Tayler. You are absolutely wholly a nonparticipant in every way?

Mr. Smith. In every way as to the church.

Mr. Tayler. As to the church?

Mr. Smith. In every way as to the church.

Mr. Tayler. As to the church?

Mr. Smith. Yes, sir, as to the church.

Mr. Tayler. Have you intervened, yourself, respecting it?

Mr. amith. No, sir.

Mr. Tayler. Do you put any attention to the course of legislation there?

Mr. Smith. No, sir.

Mr. Tayler. None at all?

Mr. Smith. None, whatever, except as a citizen of the Unitee States. I read the papers when I can, and, of course, some measures I take more of an interest in than others, as an individual.

Evans Bill Called Up.

of it. I remember the circumstance and the bill, and some provisions of the bill. Mr. Tayler. Do you recall any action you took respecting it? Mr. Smith. I recall the fact, Mr. Chair-man, that I was in favor of the bill heart-liv.

Mr. Smith. I recall the fact, Mr. Chairman, that I was in favor of the bill heartily.

The Chairman. What was that bill, let me ask? I do not recall it.

Mr. Tayler. Perhaps I had better read it. It is short, and then it will be in the record.

Senator Beveridge. What is the date of the bill?

Mr. Tayler. The date of the bill is 1901. It passed the Senate March 8, 1901. It is on page II of the protest.

Every person who has reason to believe that a crime or public offense has been committed may make complaint against such person before some magistrate having authority to make inquiry of the same: Provided. That no prosecution for adultery shall be commenced except on complaint of the husband or wife, or relative of the accused within the first degree of consanguinity, or of the person with whom the unlawful act is alleged to have been committed, or af the father or mother of said person, and no prosecution for unlawful coinabitation shall be commenced except on complaint of the wife or alleged pieral wife of the accused, but this provise shall not apply to prosecutions under section forty-two hundred and eight defining and punishing polygamous marriages.

The Chairman. Now, what is your question, Mr. Tayler? I understand the witness favored that bill.

Smith Favored Bill.

Smith Favored Bill.

Mr. Smith. I remember the bill, and I favored it.

Mr. Tayler. How did you give expression to your favor of that bill?

Mr. Smith. To friends that I was intimate with.
The Chairman. Friends in the Legisla-Mr. Chairman, with any member of the Legislature.
Mr. Tayler. You did not communicate
your wishes to any member of the Legis-

Mr. Smith. No. sir; none whatever.
Mr. Tayler. You have a rule, Mr. Smith, respecting the candidacy of persons for office, have you not-members of your church of officials of your church? church?

Mr. Smith. Yes, we have; that is, active officials of the church.

Mr. Tayler. Active officials of the church?

Mr. Smith. Yes, sir. Mr. Tayler, When did you adopt that

in existence since the church was organized.

Mr. Tayler. And has not been emphasized in any way since its origin?

Mr. Smith. Oh, yes, it was emphasized later.

The Chairman. What rule is that? We do not understand.

Mr. Smith. This is the rule, Mr. Chairman. The rule is that—

Mr. Worthington. The rule is in writing or in print, is it not?

Mr. Smith. Yes, I think it is somewhere published here. I am not sure about that.

The Chairman. A rule of what—of the church?

Church Does Control.

Church Does Control

Mr. Smith. It is a rule of the church in regard to its official members, and the rule is that no official member of the church, such as the president of a stake, one of the twelve apostles, one of the first presidency, one of the seven presidents of seventies, or a presiding bishop or ordinary bishop, shall engage in any business whatever that will take him away from the functions and exercise of his ecclesiastical duties without first getting the sanction and approval of his superior officers in the church. That is the rule

superior officers in the church. That is the rule. Senator Hoar? Does that number of officials you have mentioned include apostles? Mr. Smith. Yes, sir; I mentioned apos-

Mr. Smith. Yes, sir; I mentioned apos-ties.

Senator Beveridge Does that include also any political occupations of these people, or business occupations?

Mr. Smith. It includes anything that will take an official member of the church away from his official duty in the church.

church
The Chairman Whether it be business or ecclesiastical work?
Mr. Smith. Whether it be ordinary business, political business, or any other business. Senator Dubois. I ask that the rule be

read.
Senator Hoar. Let me ask one question right there. When was that official consent, if ever, given to Mr. Smoot to come here as Senator of the United States? How; in what form? Senator Beverldge. Did he have to get

Smoot Had to Secure Consent.

Mr. Smith. He did. He applied to his associates for their consent for him to become a candidate before the Legislature for Senator of the United States.

The Chairman. Whom do you mean by

his associates?
Mr. Smith. His associates, the apostles.
The Chairman. The twelve.
Mr. Smith. The twelve apostles; yes.

Mr. Smith. The twelve aposties; yes.

sir.

Mr. Tayler. And the first presidency?

Mr. Smith. And the first presidency;
and he obtained their unanimous consent
to become a candidate if he chose.

Mr. Tayler. Did anybody else obtain
their unanimous consent to become a
candidate at that time for that office?

Mr. Smith. I do not know that any official member of the church was a candidate at that time.

Mr. Tayler. Then nobody else whose
duty it was to obtain consent to run for
that office asked?

Mr. Smith. There was no one else a
candidate who was an official member of
the church.

Senator Beveridge. Under what conditious was that consent given?

Mr. Smith. Under what conditions?

Senator Beveridge. Were any conditions attached to the consent?

Mr. Smith. None whatever. We simply released him from his duty as one
of our number to become a candidate and
to attend to the duties of the Senatorship
if he was elected.

Senator Beveridge. I understand you

if he was elected.

Senator Beverldge. I understand you then to say he does not attend to the duties of the apostolate?

Mr. Smith. Not while he is here; he

Mr. Smith. Not while he is here; he can not.
Senator Dubois. Did any one else ask your consent to be a candidate for the United States Senate at that time?
Mr. Smith. Not at that time, because there was no official member of the church a candidate at that time. Senator Dubois. No one else of either party or any other citizen of Utah re-ceived your consent, except Apostic Smoot to become a candidate for the United States Senate?

Mr. Smith. I wish to be understood that no one else, so far as my knowledge extends, who was a candidate for that position was an official member of the church. That is what I wish to convey.

Smoot Made Request.

The Chairman. Mr. Smith, I desire to ask you who made this request. Mr. Smoot himself?
Mr. Smith. Mr. Smoot himself.
The Chairman. Was it in writing?
Mr. Smith. No. sir.
The Chairman. Was it at a meeting of the apostles and the president?
Mr. Smith. I think not. If I mistake not he asked these people individually.
Senator Overman. Were any minutes

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papers when I can, and, of course, some measures I take more of an interest in than others, as an individual.

Evans Bill Called Up.

Mr. Tayler. Take the bill that was offered in the Legislature, known as the Evans Bill. Do you recall that?

Mr. Smith. I recall that.

Mr. Tayler. Do you remember when it was pending in the Legislature?

Air. Smith. I do not remember the date